

U.S. Patent Application Serial No. 10/731,405
Amendment filed September 23, 2005
Reply to OA dated July 13, 2005

REMARKS

Claims 1 and 4 - 6 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated July 13, 2005.

Claims 1 - 6 are currently pending in this patent application, claim 1 being an independent claim.

Claims 4 - 6 have been objected to under 37 CFR §1.75(c) for the specific reasons set forth in item 2, page 2 of the outstanding Action. The applicants respectfully request reconsideration of these objections.

The outstanding claim objections are overcome by the amendment to each of claims 4 - 6 so as to depend on "claim 1 or 2."

Accordingly, the withdrawal of the outstanding objections under 37 CFR §1.75(c) is in order, and is therefore respectfully solicited.

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As to the merits of this case, the Examiner now relies on an entirely new reference (namely, Bauer, U.S. Patent No. 5,209,316) in setting forth the following rejections:

- (1) claims 1 - 4 and 6 stand rejected under 35 USC §102(b) as being anticipated by Bauer;
- (2) claim 5 stands rejected under 35 USC §103(a) based on Bauer in view of “Applicant’s admission (Figs. 17 and 20);” and
- (3) claim 4 stands rejected under 35 USC §103(a) based on Bauer in view of Keehner (of record).

The applicants respectfully request reconsideration of these rejections.

As to the primary reference of Bauer, the Examiner specifically relies on Bauer’s “air spring 62” for teaching the applicants’ claimed attenuation mechanism, and Bauer’s “cab suspension unit 10” for teaching the applicants’ claimed regulation member.

It is submitted, that Bauer’s cab suspension unit 10 does not regulate the function of its air spring 62. More particularly, in Bauer’s unit 10, “[e]ach bottoming rib 56 has a stop surface 58, which abuts the end 42 of the corresponding art 28 or 30 at the fully compressed position of the unit 10^{1/}.” However, Bauer’s air spring 62 is not regulated by Bauer’s cab suspension unit 10 because,

^{1/} See, lines 43-46, column 4 in Bauer.

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according to Bauer, “the air spring 62 is automatically adjusted to keep the spacing between the bridge portions 36 and 38 constant regardless of the load in the cab, which automatically tends to center the bearing 46 in the slot 44.”^{2/} As further explained in lines 2 - 5 in column 5 of Bauer:

[a]n advantage of using an air spring is that it can be automatically adjusted by well known means to maintain the cab level regardless of the load carried by the cab.

On the other hand, in the applicants’ cab supporting structure, the applicants’ claimed regulation member 26 regulates the extension direction of the claimed attenuation mechanism 25 when certain displacement is generated in the cab 2. The specific structural arrangement for such regulation by the claimed regulation member of the claimed attenuation mechanism is as explained starting from line 10, page 8 through line 8, page 10 found in the Remarks portion of the last Amendment filed on May 26, 2005.

It is noted that the secondary references (also discussed in the Remarks portion of the applicants’ May 26, 2005 Amendment) do not supplement the above-discussed deficiencies or drawbacks in the teachings of the primary reference of Bauer in fully meeting the applicants’ claimed invention, as set forth in claim 1, which has been amended herein so as to more positively recite the applicants’ claimed regulation member and attenuation mechanism.

^{2/} See, lines 6 - 9, column 5 in Bauer.

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In view of the above, the applicants submit that not all of the claimed elements, as now recited in independent claim 1, are found in exactly the same situation and united in the same way to perform the identical function in Bauer's apparatus. Thus, there can be no anticipation of the applicants' claimed cab supporting structure, as now recited in independent claim 1 (and claims 2 - 4 and 6 that depend therefrom), based on Bauer.

Furthermore, the combined teachings of Bauer and "Applicant's admission (Figs. 17 and 20) or Keehner would still fall far short in fully meeting the applicants' claimed invention, as now recited in independent claim 1 from which claims 4 and 5 depend. Thus, a person of ordinary skill in the art would not have found the applicants' claimed invention obvious based on the above-noted combined teachings of the prior art of record.

Thus, the withdrawal of the outstanding rejections under 35 USC §102(b) based on Bauer and under 35 USC §103(a) based on Bauer in view of "Applicant's admission (Figs. 17 and 20)" or Keehner (of record) is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

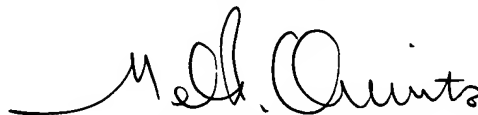
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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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